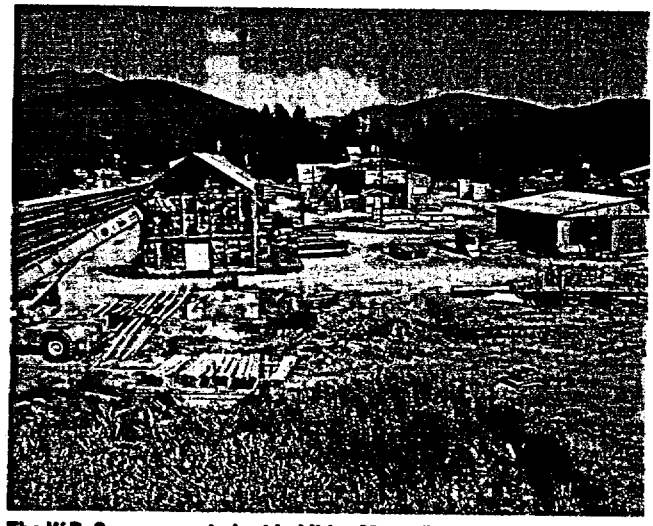
upfront

THE AVENGER

PHOTOGRAPHS BY LYNN DONALDSON

"It was anger," says Benefield (with ex-miner Don Kaeding at his home), explaining her decision to wage war on W.R. Grace.

A Montana woman blows the whistle on the asbestos mine that killed her parents and ravaged her town



The W.R. Grace export plant in Libby, Mont. (in July), where the asbestos was shipped, has been targeted as a priority for cleanup.

In her huge country kitchen overlooking the Kootenai River, Gayla Benefield of Libby, Mont., thinks back on her 10th birthday. It was Sept. 17, 1953, the same day her father, Perley Vatland, started work at the open-pit asbestos mine on Zonolite Mountain, six miles east of Libby. "That was my birthday present," says Benefield, 57. "He had been out of work that summer. He was just so happy. It was like, 'Dad's got a job. Everything's going to be all right.'"

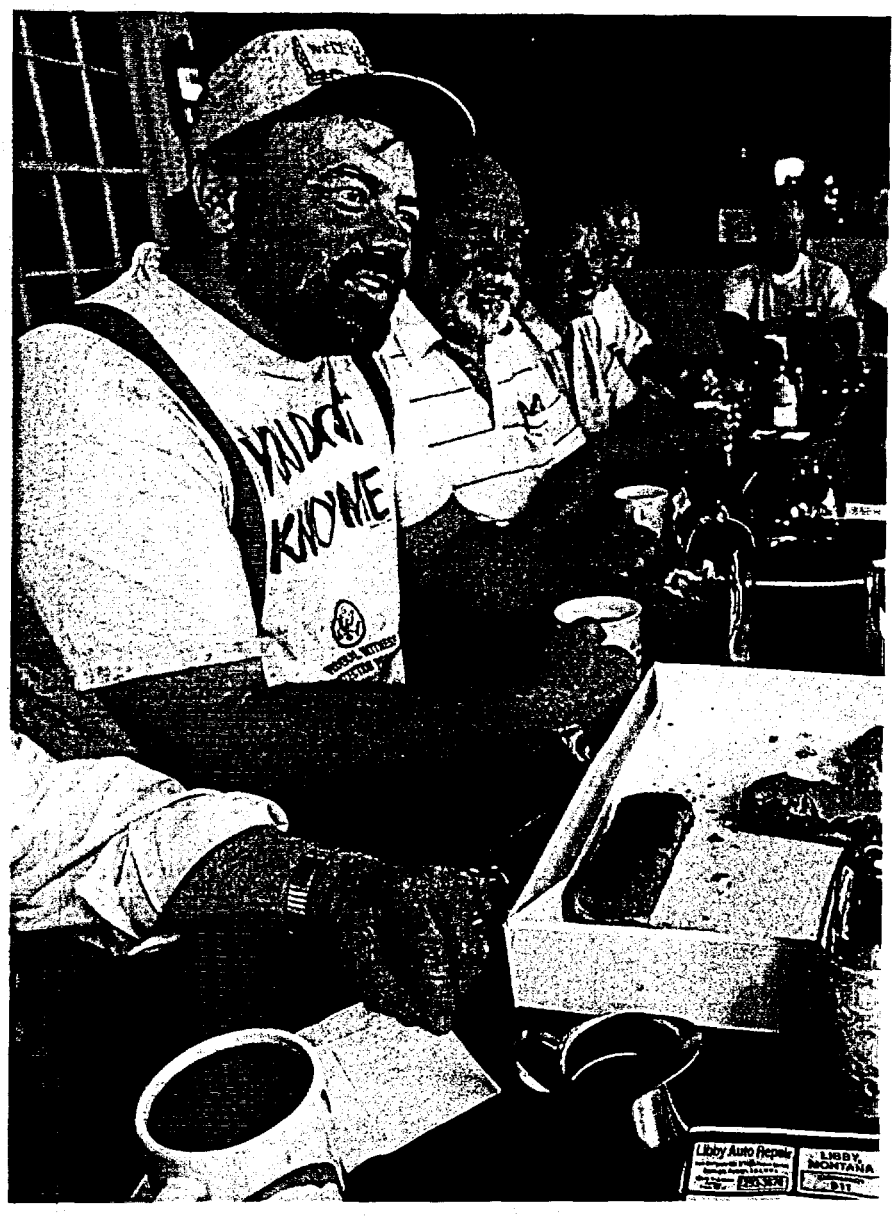
So it seemed for more than a decade, as her father toiled with a close-knit group of miners extracting vermiculite ore, which was then milled to make asbestos products such as insulation, floor tiles and automatic brake parts. But in 1966 the family's comfortable life began to unravel. A medical examination revealed that after years of inhaling dust at the mine, Perley had severe lung problems that later would be diagnosed as advanced asbestosis, a thickening of the lung lining that slowly cuts off the ability to breathe. "He was 54 then," Benefield says. "By the time he was 61 he couldn't walk from here to the garage."

Vatland died the next year, leaving his wife, Margaret, with $144 a month in workers' compensation—plus another, unwanted legacy. Eventually Margaret too was diagnosed with asbestosis, a result of exposure to the vermiculite dust her husband had brought home on his shoes and clothes. She held on until 1996, dying at age 79. "But it was a slow suffocation," says Benefield. Still, her mother did not go gently: "She told me just before she died, 'You get the bastards, Gayla. Get the people who did this to me and your dad.' And I said, 'Oh, I will.'"

She has certainly done her best, though she says there is plenty of work left to do. A twice-married grandmother of 11 who has shown no signs yet of the illness visited on her family, Benefield has made a crusade of avenging her parents as well as hundreds of other Libby residents killed or sickened by asbestos. Some, like her father, worked in the mine, but many others were the victims of dust brought home, perhaps passed on by the

COURTESY GAYLA BENEFIELD

Benefield's father, Perley (in '46, with her, Margaret and Eva, right), needed the job.



mere embrace of a loved one. Benefield has lobbied Congress and traveled as far as Brazil to speak on the dangers of asbestos. "Gayla is wonderful," says John Constan, 32, project manager for the Montana Department of Environmental Quality. "She wants what is right, and she is the one standing up and yelling."

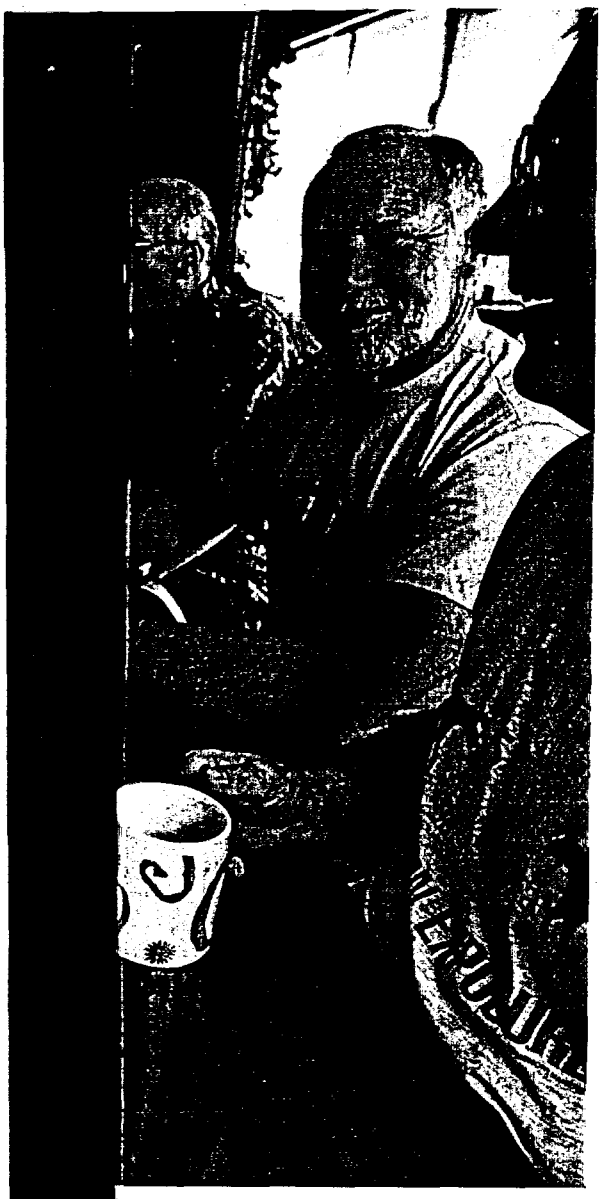
The object of her outrage is the Columbia, Md.-based chemical giant W.R. Grace & Company, which owned the mine for three decades until it was closed amid corporate downsizing in 1990. Maintaining that W.R. Grace knew for years about the health hazard but did little to eliminate it, Benefield and others have been battling the company in and out of court since the late 1980s. In 1998 she won a $250,000 jury award for the wrongful death of her mother, the first Libby fatality officially attributed to secondhand asbestos exposure.

Benefield's activism didn't stop with her court victory. Last August she drove to an area near the former mine site and spotted a tailings pile—residue from the unused ore—that was still dense with asbestos. "The whole road was sparkly with vermiculite," she says. "I was absolutely, totally shocked." She was even more surprised to find that W.R. Grace was about to collect a $67,000 reclamation bond from the state for supposedly having restored the property to its original condition. Although W.R. Grace planted grass and trees, the tailings remained. On Sept. 13, 1999, Benefield filed a complaint with the DEQ to prevent W.R. Grace from getting its bond back. Her action triggered regional newspapers to finally take a closer look at Libby. Subsequently they were able to document at least 88 local deaths caused by first- and secondhand asbestos exposure. The publicity, in turn, finally prompted the U.S. Environmental Protection Agency to launch an investigation.

"The numbers were off the top of the scale. My first reaction was, 'This can't be right,'" says Paul Peronard, 38, the EPA's on-site coordinator, noting that before Libby there had been only two documented instances of secondary asbestos contamination worldwide. But after interviewing local physicians, he says, "it became very clear, very quickly" that the medical problem was in line with newspaper accounts.

As a consequence, the EPA began a $14.5 million project in July to clean up Libby and screen more than 5,000 area residents, the largest single screening ever undertaken for asbestos-related illness. Sadly, recently released agency documents show that the EPA had been aware of an asbestos problem at Libby two decades ago and promised to monitor the site but did little more than file reports until last year. "This 20-year time lapse is problematic," says Peronard, adding that his agency has asked the U.S. Inspector General to investigate its own failure to act.

Early results of the asbestos screenings are not expected to be



Though he supports the asbestos cleanup, Mayor Tony Berget (left) says fears about Libby's safety have hurt the local economy.

made public for anywhere from six months to a year. The EPA has tested more than 100 homes in and around Libby, however, and found no discernible hazard. "As far as houses, we don't have a clean bill of health," says Peronard. "But we don't have any obvious problems."

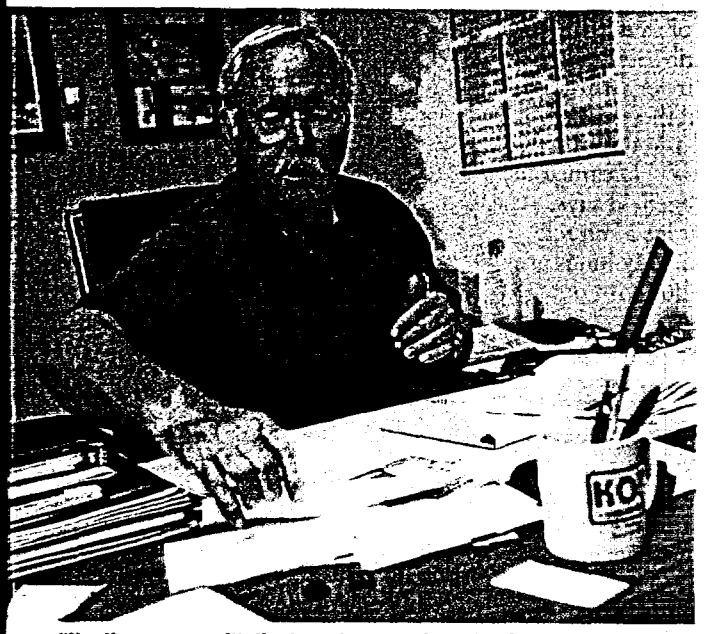
If those results hold, they will support the W.R. Grace company line. "There is no risk to living in your home here," says Alan Stringer, 56, who spent 14 years as Libby's plant manager and has served since last fall as W.R. Grace's spokesman there. Stringer insists that even despite the tailings pile—for which the company promises a cleanup plan by this winter—W.R. Grace met all state reclamation criteria.

And what of the workers and their families who got sick? The company argues that they were likely contaminated either before it bought the mine from the Zonolite Company in 1963 or in the first few years thereafter, when little was known about asbestos dangers. "You have to take it in context," says Stringer. "When did they work there? When I came here in 1981 I knew the operation was not putting anyone at risk. There were precautions taken." In 1973 W.R. Grace converted from a dry milling process to a wet one designed to contain asbestos dust. Stringer himself has been tested yearly for respiratory problems, with negative results.

But Stringer's claims don't impress Kathy Tennison, now a mental health worker, who was employed at the mine's mill from 1977 until 1982—after the wet milling process began. In 1995 she was diagnosed with asbestosis. "There were times I couldn't hardly see, it was so dusty," says Tennison, 46, whose suit against W.R. Grace is pending. "We were told if we turned the fan on, it would be fine. Well, obviously it wasn't."

The controversy over the mine and what has been left behind has sharply divided Libby, a town of 2,700 in Montana's Cabinet Mountains, where there is currently 12 percent unemployment. Explains Carol Latham, 45, editor of *The Montanian*, the local weekly newspaper: "People are struggling to make a living here, and any adverse publicity that makes this sound like a death hole is a concern to everyone."

In fact, Dr. Brad Black, a 23-year resident who heads Libby's new Center for Asbestos Related Disease and is conducting follow-up exams after the screenings, believes most of



"I'm the person with the target on my chest, but it's okay," says W.R. Grace rep Alan Stringer. "I want to correct an unfortunate situation."

"My instructions were very clear," says Paul Peronard, the EPA's on-site coordinator. "Figure out what's going on and fix it."

After soil samples revealed high concentrations of asbestos, the EPA ordered Mel and Lerah Parker to close down their nursery, located on property purchased from W.R. Grace in '93.

the town has probably been safe for a decade. But the high incidence of long-term asbestos-related disease is undeniable. "There is an assumption in our town that somehow the people who are sick did something wrong to get it," says Black, 51. "A lot of times they are blamed because they smoked. The one thing to remember is that asbestosis and smoking cause injury to the lung in different areas."

In Black's experience, what makes Libby's asbestos problem unique is that the illnesses can be traced entirely to tremolite, a rare, extremely toxic asbestos found in vermiculite ore. Tremolite produces long, thin fibers that, unlike tar and nicotine, work their way into the lining of the lung. "Once you get them in there," he says, "you don't get them out." At its worst, asbestosis, which often appears 20 years or more after the initial exposure to fibers, is excruciating. "Folks just quit doing stuff because they can't take deep breaths," Black says. "Eventually they can't get enough air even with oxygen. It's not a very pretty way to go."

Few are better acquainted with that bleak scenario than Benefield. It seems difficult now to believe that the asbestos mine was a beacon of hope a half century ago, when Gayla, her parents and her sister Eva, now 60, moved to Libby from a Montana ranch. "My parents were farmers," she says. "My father came here for a good-paying 8-to-5 job instead of the sunup-to-sundown routine." Perley also relished the camaraderie at the mine. "It was almost a fraternity," Benefield says. "They would work together and play together on weekends." But what she remembers most about her childhood "was the dust—a heavy gray dust that covered everything."

The insidiousness of that dust was not apparent until 1972, when Perley was suffering from arthritis and heart trouble and the workers' compensation board asked him to undergo medical tests. "He came out shaking his head," Benefield says. "'My heart's fine, but it's a miracle I'm still alive,' he said. 'My lungs are just black.' He came out with the diagnosis of asbestosis."

By that time Benefield had married her second husband, David, now 61. She'd wed her first, her high school sweetheart Gary Swenson, weeks after graduating in 1961. The couple, who have a daughter, Jenny, 37, divorced three years later. "We are still friends," Benefield says of Swenson. "He was just diagnosed [with asbestosis] also. He came out of the service and my dad got him a job up there at the mine. He worked there for three months."

Beginning in 1968 Benefield spent 13 years working for a local construction union as a dispatcher, supervised by her husband, the local union representative. She also raised four more children: Julie, 35, David, 33, and twins Stacy and Sean, 29. In 1972, a year after the twins were born, her father died at 62. "The company never sent a flower, never sent a card," she says. Within a few years, her mother's illness was becoming apparent. "By 1978 she was beginning to cough. I asked her, 'Do you think it's caused by the dust that killed Dad?' And she'd say, 'No, I just need a drink of water.' By 1985 they came up with a diagnosis of lung cancer." But at that point her disease hadn't been linked to asbestos.

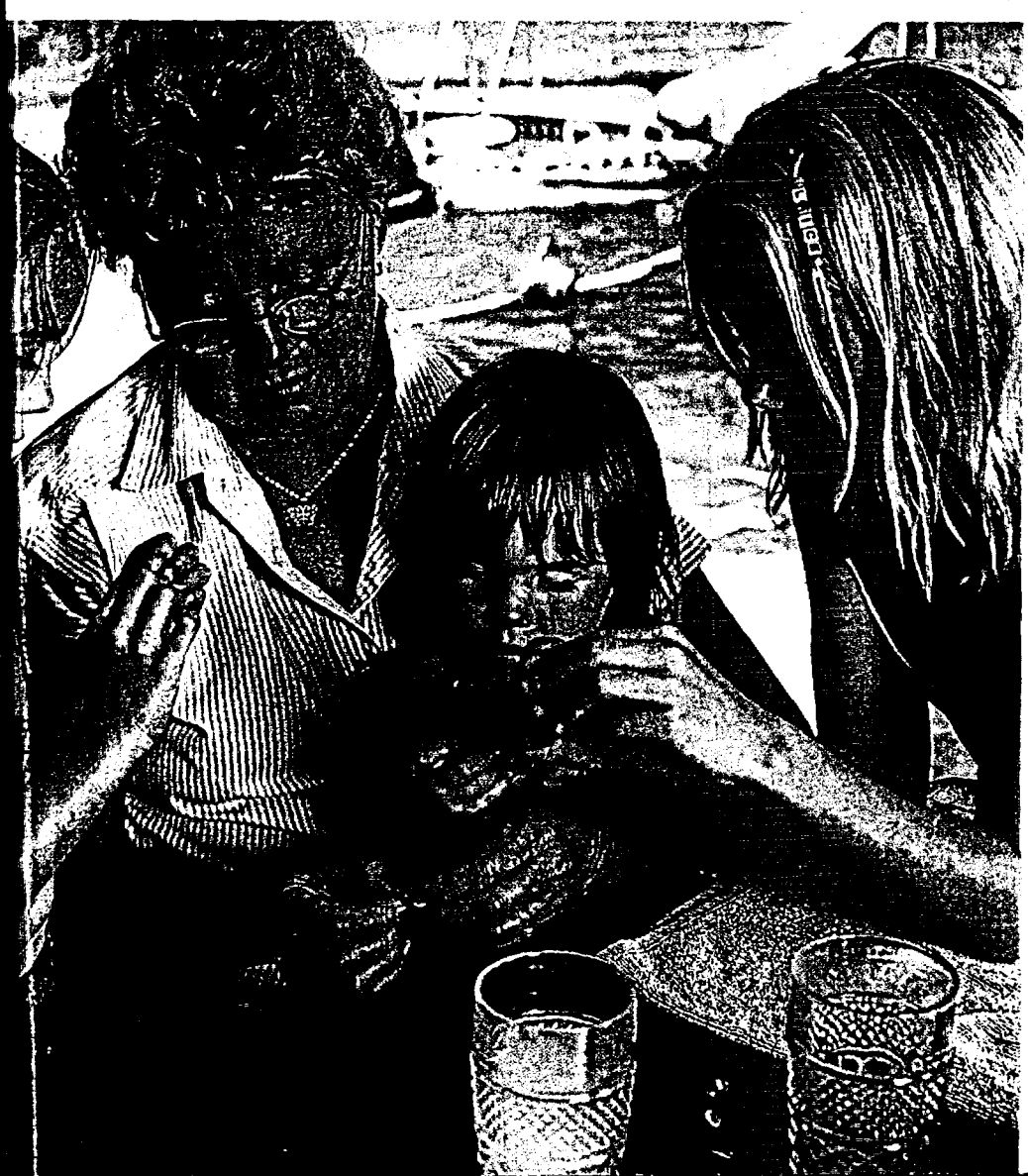
"My grandchildren are going to grow up here, and I want them to be safe," says Benefield (with Tina, left, Cloie and Laice).

That same year marked a turning point in the Libby story. After their mineworker husbands died from asbestos-related disease, two friends of Benefield's, Alice Priest and Louise Gidley, hired a lawyer. In what became known as the Gidley-Priest decision, the Montana Supreme Court ruled that stricken employees and their families had the right to sue W.R. Grace. Benefield, then a power-company meter reader, went door-to-door urging sick mineworkers and survivors to sue. "I thought, 'If I can get 100 people,'" she says, "'the company is going to notice.'" Since then at least 187 civil actions have been filed, about 120 of which are still pending, while many of the rest were settled out of court for anywhere from $15,000 to $400,000.

One of the cases was brought by her mother, who received $100,000 for her deteriorating lung condition, a third of which went for legal fees. In the course of preparing their case, her attorneys reviewed Margaret's medical records and discovered a stunning entry. Several years earlier she too had been diagnosed with asbestosis, but Benefield says the local doctor never informed her. Margaret spent her final decade in agonizing decline. "For the last 17 months she was bedridden," says Benefield. "The caregiver would tell me at night she would hear Mom saying, 'Damn you, W.R. Grace,' and she would start cursing Dad for bringing [asbestos] home. She died with so much anger."

After Margaret's death, Benefield filed suit against W.R. Grace. Her case was heard in November 1998. "It was a long two weeks, really emotional," says Benefield, and the spectators' gallery was filled with friends and neighbors, many gravely ill themselves. "I had never seen so many people in my life diagnosed with the same disease come out of the closet," she says. Among other evidence, the jury learned that W.R. Grace had failed to build a room where workers could change out of their asbestos-contaminated work clothes and shower before coming home. Says Benefield: "It would have saved my mother's life."

W.R. Grace offered to settle out of court for $605,000, but Benefield refused and received the far more modest award of $250,000 when the jury decided in her favor. It was the first verdict against W.R. Grace for wrongful death. "It was never about dollars," she says. "This was principle. My kids said, 'Mom, you need the guilty verdict.' We needed it because the company never apologized."



At the moment, the EPA and W.R. Grace are working together to clean up the mine's former milling and shipping facilities a few miles from the mine site. There is some disagreement, however, about how it should be done—the EPA wants W.R. Grace to perform more work than the firm feels it should. "It's a chess match," Constan says. Remarkably, despite all their travails, the people of Libby seem to be staying put. "People said, 'When you finally figured out what was wrong, why didn't you go?'" Benefield says. "I've lived here too long to just turn around and leave. It's my home. I feel responsible for it."

- Richard Jerome
- Vickie Bane in Libby

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